

MICHIGAN STATE MEDICAL SOCIETY

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MEMO TO: Senate Judiciary Committee

FROM: Daniel Michael, MD, President

RE: Senate Bills 160-161

On behalf of the Michigan State Medical Society, I am writing to express our concerns related to Senate Bills 160-161. This legislation seeks to establish a criminal sentence for any individual performing a partial birth abortion. Our opposition is based on concerns we have with provisions of this legislation that are departures from the current regulatory structures, as well as the ambiguity the current language in the legislation would create.

The concerns of MSMS to Senate Bills 160-161 should not be construed as a position on the issue of abortion. The concerns of the medical community are limited to the specific wording of this legislation. Specifically, the term "partial birth abortion" is not a term used in medical textbooks. While Senate Bill 160 attempts to define this procedure, that language still requires a fair amount of interpretation by the physician community as well as by the prosecutors and other authorities charged with enforcement of this act. The result of this ambiguity is that Senate Bill 160 could have a chilling effect on other procedures beyond "partial birth abortions."

The proposed legislation also would set a dangerous precedent by criminalizing certain aspects of the practice of medicine. The Michigan State Medical Society has a long-standing policy to oppose legislating the practice of medicine. The practice of medicine requires significant training and education in science, ethics and standards of practice. Historically, the legislature has created thresholds to assure that physicians are held to the appropriate standards that involve review by other physicians. The legislature already has created a mechanism to address deviations from the standard of practice through the Board of Medicine. Physicians support this regulatory review as it provides due process and careful scrutiny of a particular case.

The issue of "partial birth abortion" is one that evokes a considerable amount of passion from many different sides. While the Michigan State Medical Society respects all of these opinions as well as the individuals who hold them, this legislation leaves too many questions unanswered and compels our organization to oppose it.

